



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 3 2007

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail# 7004-1160-0002-3622-9872

IN REPLY REFER TO:

EPA OCR File No. 05R-07-R6

RE: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear [REDACTED]

This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on June 18, 2007. Your complaint alleges that certain EPA Region 6 employees (acting in their official capacities) have violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's regulations implementing Title VI, found at 40 C.F.R. Part 7. This is to notify you that after careful consideration, OCR is rejecting your administrative complaint.

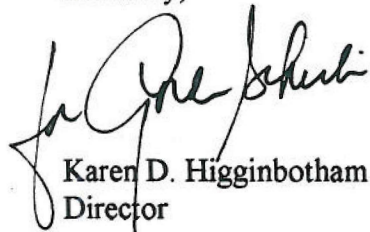
Under EPA's nondiscrimination regulations, a recipient of EPA financial assistance may not discriminate on the basis of race, color, national origin, sex, or disability. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe alleged discriminatory acts that if proven true may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

As stated above, to be accepted for investigation, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance. Title VI does not apply to the Federal

government. Therefore, EPA Region 6 (and employees acting within their official capacities) cannot be considered a "recipient" within the meaning of Title VI. Since the allegation discussed in your complaint does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations, OCR must reject your complaint for investigation.

If you have any questions, please contact Thomas Walker of OCR's External Compliance Program; by telephone at (202) 343-9680, by e-mail at walker.tom@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave. NW., Washington, D.C. 20460.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Richard E. Green, Regional Administrator
EPA Region 6

Mark Hansen, Chief
Hazardous Waste Enforcement Branch

Sherry Brown-Wilson, Title VI Coordinator
EPA Region 6

Shirley Augurson, Environmental Justice Coordinator
EPA Region 6

Stephen G. Pressman, Associate General Counsel
Civil Rights and Financial Law Office (MC 2311)